

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SAMUEL PHILBRICK, et al.,

Plaintiffs,

v.

ALEX M. AZAR II, et al.

Defendants.

Civil Action No. 1:19-cv-00773 (JEB)

**FEDERAL DEFENDANTS' MOTION TO DISMISS,
OR, IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT**

In accordance with Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), the federal defendants, Alex M. Azar II, Secretary of Health and Human Services, *et al.*, move to dismiss plaintiffs' Complaint. In the alternative, in accordance with Federal Rule of Civil Procedure 56, the federal defendants move for summary judgment on all of plaintiffs' claims. In support of this Motion, Defendants respectfully refer the Court to the attached Memorandum of Points and Authorities and Proposed Order.

Dated: June 6, 2019

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